

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----X  
LINDA MARSHALL, BEN DAMPIOS, AL  
SPILLOWAY, BERNIE APOTHEKER, HARRY  
ESPOSITO and BRENT WENTZ, on behalf  
of themselves and all others similarly situated,

Plaintiffs,

vs.

MILBERG WEISS BERSHAD & SCHULMAN  
LLP, LERACH COUGHLIN STOIA GELLER  
RUDMAN & ROBBINS LLP, MELVYN I.  
WEISS, DAVID J. BERSHAD, and STEVEN  
G. SCHULMAN, DOES 1 THROUGH 15,

Defendants.  
-----X

Civil Action No. 07 CV 6950 (LAP)

STIPULATION AND [PROPOSED]  
ORDER EXTENDING THE TIME  
TO ANSWER, MOVE OR  
OTHERWISE RESPOND TO  
COMPLAINT

WHEREAS, on October 30, 2007, the parties to this action agreed, and the Court  
approved the agreement, to stay all proceedings in the case for 120 days as to the Stayed  
Defendants and to allow the Coughlin Firm to proceed with its motion to dismiss this action;

WHEREAS, the parties further agreed, and the Court approved the agreement, to extend  
the time for the Stayed Defendants to respond to the complaint until 30 days after the expiration  
of the stay;

WHEREAS, on February 28, 2008, the United States filed a Motion to Intervene and to  
Stay All Proceedings pending the resolution of the related criminal charges now pending in the  
Central District of California, which motion has been fully briefed and is pending before the  
Court,

NOW, THEREFORE, IT IS HEREBY STIPULATED and agreed by and among the undersigned counsel on behalf of their respective clients that:

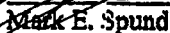
1. Plaintiffs shall, on or before April 7, 2008, file an Amended Complaint, which shall constitute their one amended complaint as a matter of course pursuant to Fed. Civ. P. R. 15(a);
2. Undersigned defendants shall have an extension of time to answer, move on any applicable grounds or otherwise respond to the Amended Complaint until the later of: (a) 30 days after the filing of the amended complaint; or (b) 30 days after the Court rules on the pending motion to stay, if such motion is denied; or (c) 30 days after the stay is lifted, if the motion is granted.
3. In the event that this Court does not so order this stipulation, defendants shall have 30 days from the denial to answer, move on any applicable grounds or otherwise respond to the Complaint; and
4. If the motion for stay is denied, the Plaintiffs may serve any discovery requests permitted by Court order and the Federal Rules of Civil Procedure and the Local Rules of the United States District Court for the Southern and Eastern Districts of New York and the defendants reserve all rights under the Rules and any orders of the Court.
5. This stipulation may be executed in counterparts and each counterpart shall have the same force and effect as an original and shall constitute an effective, binding agreement on the part of each of the undersigned; and
6. For the purposes of executing this stipulation, facsimile signatures may be used in lieu of, and shall be deemed equivalent to, original signatures.

## BEATIE AND OSBORN LLP



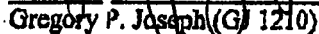
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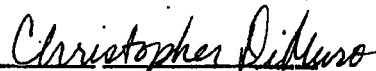
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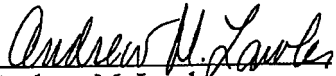


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*Attorneys for Defendant David J. Bershad*

IT IS SO ORDERED.

DATED: March \_\_, 2008

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THE HONORABLE LORETTA A. PRESKA  
UNITED STATES DISTRICT JUDGE